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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 KHI LIQUIDATION TRUST,

9 Plaintiff,

10 v.

11 SOUTHERN VEGAS VALLEY
12 CONTRACTING, LLC

13 Defendant.

CASE NO. 2:17-cv-298-JAD-GWF

**STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANT'S EMERGENCY MOTION
TO VACATE ORDER FOR
EXAMINATION OF JUDGMENT
DEBTOR AND STAY PROCEEDINGS
[DKT. 6]**

THIRD REQUEST

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17 Judgment Creditor SMS Financial J, LLC ("SMS") by and through its counsel of record
18 Dylan T. Ciciliano, Esq. of the law firm Garman Turner Gordon, LLP, and SOUTHERN
19 VEGAS VALLEY CONTRACTING, LLC ("SVVC"), by and through its counsel of record Jack
20 Chen Min Juan, Esq. of the law firm Marquis Aurbach Coffing, hereby stipulate and agree as
21 follows:

22 On or about March 20, 2017, SVVC filed its Emergency Motion to Vacate Order for
23 Examination of Judgment Debtor and Stay Proceedings (the "Motion to Vacate"). [Dkt. 6]. By
24 minute order dated March 21, 2017, the Court set a hearing on the Motion to Vacate for April 3,
25 2017, and stayed the judgment debtor exam until the Court decides the Motion to Vacate. [Dkt.
26 7].

27 The judgment that is the subject of the Motion to Vacate is based on an Order Granting
28 Default Judgment ("Judgment") in favor of KHI Liquidation Trust against SVVC in the United

1 States Bankruptcy Court of the Northern District of Illinois Eastern District, *In re: Kimball Hill,*
2 *Inc.*, Case No. 08-10095, Adv. Proc. No. 10-00761 (the “Adversary Proceeding”), on or about
3 January 14, 2011. [*See generally* Dkt. 2].

4 Since the filing of the Motion to Vacate, SVVC and SMS engaged in settlement
5 discussions. Accordingly, the parties stipulated and agreed that the hearing on the Motion to
6 Vacate should be continued and the Court ordered that the Motion to Vacate be continued until
7 April 25, 2017. [Dkt 11].

8 SVVC and SMS continue to engage in settlement discussions. Previously, SVVC
9 searched its archives in an attempt to retrieve documents relevant to the underlying Adversary
10 Proceeding. Since the last stipulation, SVVC has identified documents it contends are relevant to
11 its potential defense in the Adversary Proceeding, and therefore relevant to the Motion to Vacate.

12 On May 17, 2017, SVVC provided the documents to SMS for its review. SMS is
13 currently reviewing the documents in furtherance of a possible resolution of the Motion to
14 Vacate.

15 Accordingly, the parties stipulate and agree that the hearing on the Motion to Vacate
16 should be continued to June 26, 2017, subject to the Court’s availability, with any response to the
17 Motion to Vacate being due on June 19, 2017.

18 The parties further stipulate and agree that per the Court’s March 20, 2017, Minute Order
19 [dkt. 7], the judgment debtor exam should be stayed until such time that the Court decides the
20 Motion to Vacate.

21 Dated this 18th day of May, 2017.

22 GARMAN TURNER GORDON

MARQUIS AURBACH COFFING

23 /s/ Dylan Ciciliano

/s/ Jack Chen Min Juan

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27 *Attorneys for Plaintiffs, SMS Financial J,*
28 *LLC*

Attorneys for Southern Vegas Valley
Contracting, LLC

ORDER

IT IS HEREBY ORDERED that the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings [Dkt. 6] is hereby rescheduled to be held on June 28, 2017, at the hour of 9:30 am to be held in LV Courtroom 3A before Magistrate Judge George Foley, Jr. Response to the Motion to Vacate is due no later than June 21, 2017.

IT IS FURTHER ORDERED that the Judgment Debtor Exam is hereby stayed until such time that the Court decides the Emergency Motion to Vacate Order for Examination of Judgment Debtor and Stay Proceedings.

DATED 5/19/2017.


UNITED STATES MAGISTRATE JUDGE

4816-9872-2887, v. 1